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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,927

Applicant(s)

GREWAL ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to the amendment received on January 21, 2003. By the amendment, claims 1, 10-11 and 17 have been amended. No claim has been added. Claims 1-40 are now pending in the application and have been examined on the merits as discussed below.

Response to Amendment

2. Applicant's amendment to the dependent claims 10-11 has overcome the previous objections to these claims. Hence, the objection to claims 10-11 are withdrawn.

Applicant's amendment to the dependent claim 10 has overcome the previous Section 112, second paragraph to the claim. Hence, the rejection to claim 10 is withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claim 1-40 have been considered but are moot in view of the new ground(s) of rejection.

With regard to claims 3, 19 and 32, applicant's argument that the rejection fails to provide the Applicant's opportunity to respond to the rejection and fails to provide Applicant's with the opportunity to challenge the correctness of the rejection is not persuasive. As indicated in the last Office Action, Pinard discloses feedback from the user concerning the results of the suggestions made by the support specialist (col. 6, lines 61-65). The feedback would cover information such areas as, education, experience, recommendations, ratings/testimonials. Therefore, it would have been obvious to a person of ordinary skill in the art to include testimonial information as part of Pinard feedback so that a buyer can review information provided by references for an expert or a salesperson. Furthermore, in response to applicant's

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argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

With regard to claim 7, Applicant's argument that the rejection fails to provide the Applicant's opportunity to respond to the rejection and fails to provide Applicant's with the opportunity to challenge the correctness of the rejection is not persuasive. As indicated in the last Office Action, since Pinard discloses gathering historical computer problem for the user and analyzes the computer problem (col. 6, lines 33-36). Historical computer problem would include previous customer interactions with the available support specialists. It would have been obvious to a person of ordinary skill in the art to include previous customer interactions as part of Pinard gathering of historical computer problem so that the user does not have to submit information related to an already existing problem. Furthermore, in response to applicant's argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

With regard to claims 16 and 32, Applicant's argument that the rejection fails to

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provide the Applicant's opportunity to respond to the rejection and fails to provide Applicant's with the opportunity to challenge the correctness of the rejection in not persuasive. As indicated in the last Office Action, Pinard and Burgess et al discloses substantially the invention as claimed. Neither Pinard, Burgess et al explicitly disclose "analyzing a user's request against the expertise and biographical data of available experts". However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Pinard's system wherein the knowledge base provided thereof (See Pinard's figure 1) would incorporate the use of analyzing a user's request against the expertise and biographical data of available experts for the purpose of finding a matched and qualified expert for the user. In addition, Pinard discloses the claimed "including correspondence of chat sensors of the available experts" as a user's priority in the queue (col. 5, lines 29-35). Furthermore, in response to applicant's argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

With regard to claims 34-35, applicant's argument that Section 103 rejection of the presently pending claims is not a proper rejection and that obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Pinard using the teachings of Burgess is not persuasive. In the last Office Action, it was shown that Pinard discloses wherein information is displayed using an applet implemented *at least* in

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Java (col. 6, lines 15-21) and tracking (monitoring) the status of the support specialists to determine their availability (col. 2, lines 58-62). Further, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al (U.S. Patent No. 5,815,554) and further in view McDuff et al (U.S. Patent No. 6,490,350).

As per claim 1, Pinard discloses a web based help desk comprising:

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Connecting the client computer and the server system (i.e. establishing a connection between the user computer and the web server) (col. 1, line 67 through col. 2, line 8; col. 2, lines 9-14; col. 2, lines 53-57);

Accessing a database within the server system comprising a pool of experts, the experts pool further comprising identification of experts and their availability (i.e. accessing a help desk web page in the web server having support specialists) (col. 2 lines 9-14; col. 2, lines 9-14, col. 4 line 40 through col. 5 line 2; col. 5, lines 53-65).

Displaying support specialists information including support specialist availability information on the client computer through an applet download from the server system when a user calls upon an expert to seek assistance (i.e. presenting a list of support specialists and their area of expertise to the user's computer using a downloaded VC Java applet) (col. 4, lines 51-63 and col. 5, lines 38-46), contacting the expert based on user selected expert information input into the client computer (i.e. connecting the support specialist with the user computer (col. 5 line 66 through col. 6 line 65).

Pinard does not explicitly disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user. Burgess discloses a method for indicating operator availability using an indicator availability and time (col. 13, lines 9-18) and McDuff et al discloses a call center system comprising agent availability and waiting time for the agent (col. 12 line 61 through col. 13 line 14). It would have obvious to a person of ordinary skill in the art to modify the support help desk system of Pinard to incorporate an expert availability indicator and waiting time in the same conventional manner as disclosed by Burgess and McDuff et al. One having ordinary skill in the

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art would have been it motivated to use such combination so that the user could make an informed decision whether to stay on hold or to try again later.

As per claim 2, Pinard discloses the method according to claim 1 wherein said step of displaying expert information on the client system further comprising the step of displaying photographs of the available support specialists (displaying pictures of the experts) (See FIG. 2.B, element 120; col. 4, line 67).

As per claim 4, the limitations of claim 4 have been noted above in the rejection of claim 1 above. In addition, Pinard discloses displaying biographical data of the support specialists (col. 5, line 1-2).

As per claim 5, the limitations of claim 5 have been noted above in the rejection of claim 1 above. In addition, Pinard displaying the length of service for the available support specialists (i.e. placing the user in queue until the next specialist is available (col. 5, lines 60-65).

As per claim 6, the limitations of claim 6 have been noted above in the rejection of claim 1 above. In addition, Pinard discloses displaying areas of expertise of the available specialists (col. 4, lines 51-59).

As per claim 8, the limitation of claim 8 have been noted above in the rejection of claim 1 above. In addition, Pined discloses displaying which support specialists are free and which support specialists are helping other users (i.e. connecting the user a support specialist if the support specialist is available or not assisting other users) (col. 5, lines 49-59).

As per claim 13, the limitations of claim13 have been noted above in the rejection of claim 1 above. In addition, Pinard discloses using user input into user interface to select a free

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expert or join a queue of an expert currently helping another user (i.e. placing the user in the queue to be connected to the next available support specialist (col. 5, lines 60-65).

As per claim 14, the limitations of claim 4 have been noted above in the rejection of claim 1 above. In addition, Pinard discloses using user input to select a free expert or join a queue of an expert currently helping another user after having previously selected the queue of a different expert (i.e. prompting the user to select a particular specialist when the particular specialist is available (col. 5, lines 49-53).

As per claim 15, the limitations of claim 15 have been noted above in the rejection of claim 1 above. In addition, Pinard discloses contacting an expert based on user input into the client system further comprises the step of selecting an expert based on keyword match (col. 6, lines 36-41).

Claim 17 is a system claim for performing the method of claim 1 and it is similarly rejected. In addition, Pinard teaches the claimed "a client system configured with a browser" (col. 4, lines 40-45).

Claims 18, 20-26 are for system performing the method of claims 2, 4-8, 13-14. They are therefore rejected under the same rationale.

As per claim 27, the limitations of claim 27 have been noted in the rejection of claim 25 above. In addition, Pinard discloses allowing a user to engage an expert by exchanging textual messages (i.e. a text interface allowing a user to exchange data with a support specialist) (col. 6, lines 13-15).

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As per claim 28, the limitations of claim 28 have been noted in the rejection of claim 25 above. In addition Pinard discloses allowing the user to engage an expert by telephone (col. 6, lines 18-22).

As per claim 29, the limitations of claim 29 have been noted in the rejection of claim 17 above. In addition Pinard discloses a server system for network of client devices (Figure 1 shows more that one user computers connected to the server system).

As per claim 30, the limitations of claim 30 have been noted in the rejection of claim 29 above. In addition, Pinard discloses said server system and client system are connected via network (col. 3, lines 36-41, 50-51, 65-67).

As per claim 31, the limitations of claim 31 have been noted in the rejection of claim 30 above. In addition, Pinard discloses said server system and client system are connected via network (col. 3, lines 36-41, 50-51, and 65-67).

As per claim 33, the limitations of claim 33 have been noted in the rejection of claim 17 above. In addition, Pinard discloses wherein said network is at least one of WAN, LAN, an intranet, the Internet (col. 3, lines 36-40, 50-51).

As to claim 36, the limitations of claim 36 have been noted the rejection of claim 17 above. In addition, Pinard discloses tracking (monitoring) the status of the support specialists (col. 2, lines 58-62).

As to claim 37, the limitations of claim 37 have been noted in the rejection of claim 36 above. In addition, Pinard discloses "tracking expert availability" as a means for monitoring expert status (col. 2, lines 9-14, 58-62), tracking users who are interested in contacting a specific expert as a means for monitoring user computer in a queue (col. 2, lines 9-14, 58-62), and

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tracking an amount of time each user has been waiting to connect with the specific expert (col. 5, lines 30-36; col. 6, lines 1-4), and display the expert availability (col. 2, lines 9-14, lines 58-62)

As to claim 38, the limitations of claim 38 have been noted in the rejection of claim 17 above. In addition, Pinard discloses said server system further configured to contact a support specialist based on user input into the user computer (i.e. connecting the support specialist with the user computer (col. 5 line 66 through col. 6 line 4).

Claims 39 and 40 are for system performing the method of claims 13-14. They are therefore rejected under the same rationale.

6. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al and further in view of McDuff et al (U.S. Patent No. 6,490,350) as applied to claims 1 and 17 above.

As per claim 3, the combination of Pinard, Burgess et al and McDuff et al discloses substantially the invention as claimed. Pinard does not explicitly disclose the idea of displaying testimonials for the available experts within the expert pool”, but Pinard discloses feedback from the user concerning the results of the suggestions made by the support specialist (col. 6, lines 61-65). The feedback would cover information such areas as, education, experience, recommendations, ratings/testimonials. Therefore, it would have been obvious to a person of ordinary skill in the art to include testimonial information as part of Pinard feedback so that a user can review information provided by references for an expert or salesperson, thereby allowing the user to make a better decision during the selection process.

Claim 19 is a system claim for performing the step of method claim 3, and it is similarly rejected.

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al and further in view of McDuff et al (U.S. Patent No. 6,490,350).

As per claim 7, the combination of Pinard, Burgess and MsDuff et al discloses substantially the invention as claimed. Neither Pinard, Burgess nor McDuff et al explicitly discloses “displaying previous customer interactions with the available experts within the expert pool”. However, since Pinard discloses gathering historical computer problem for the user and analyzes the computer problem (col. 6, lines 33-36). Historical computer problem would include previous customer interactions with the available support specialists. It would have been obvious to a person of ordinary skill in the art to include previous customer interactions as part of Pinard gathering of historical computer problem so that the user does not have to submit information related to an already existing problem.

8. Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al and further in view of McDuff et al (U.S. Patent No. 6,490,350).

As to claim 16, the combination of Pinard, Burgess et al and McDuff et al discloses substantially the invention as claimed. Neither Pinard, Burgess et al and McDuff et al explicitly discloses “analyzing a user’s request against the expertise and biographical data of available experts”. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Pinard’s system wherein the knowledge base provided thereof (See Pinard’s figure 1) would incorporate the use of analyzing a user’s request against

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the expertise and biographical data of available experts for the purpose of finding a matched and qualified expert for the user.

Claim 32 is for system performing the method of claim 16, it is similarly rejected. In addition, Pinard discloses the claimed "including correspondence of chat sensors of the available experts" as a user's priority in the queue (col. 5, lines 29-35).

10. Claims 9-12 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al (herein referred to as Burgess U.S. Patent No. 6,230,287) and further in view of McDuff et al (U.S. Patent No. 6,490,350).

As to claim 9, the combination of Pinard, Burgess and McDuff et al discloses substantially the invention as claimed. In addition, Pinard discloses the claimed "displaying expert information on the client system further comprises the step of displaying which support specialists are free and which support specialists are helping other users" (i.e. connecting the user a support specialist if the support specialist is available or not assisting other users) (col. 5, lines 49-59). Pinard does not explicitly disclose an expert availability indicator. On the other hand, Burgess discloses a method for indicating operator availability using an indicator availability (col. 13, lines 9-18). It would have obvious to a person of ordinary skill in the art to modify the support specialist system of Pinard to incorporate an expert availability indicator in the same conventional manner as disclosed by Burgess. One having ordinary skill in the art would have found it motivated to do so because that would allow the Pinard's system the enhanced capability of indicating to users whether a support specialist is available or not.

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As to claim 10, Pinard further discloses wherein information is displayed using an applet implemented *at least* in Java (col. 6, lines 15-21).

As to claim 11, Pinard further discloses tracking (monitoring) the status of the support specialists (col. 2, lines 58-62).

As to claim 12, Pinard discloses tracking expert availability (col. 2, line 9-14, 58-62), tracking users who are interested in contacting a specific expert (col. 2, lines 9-14, 58-62), tracking an amount of time each user has been waiting to connect with the specific expert (col. 5, lines 30-36 and col. 6, lines 1-4), and display the expert availability (col. 2, lines 9-14, lines 58-62).

Claims 34 and 35 are for system performing the method of claims 9 and 10, and they are similarly rejected.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Andreson (U.S. Patent No. 5,757,904) discloses a method for presenting information to a call center agent/expert and monitoring the availability of the agent/expert.

b. McNeil et al (U. S. Patent No. 5,987,117) discloses determining incoming calls from a user and determining an average amount of time for the incoming calls and monitoring the activities “ tracking the time the agent is spending talking to a user) .

c. Sonesh et al (U.S. Patent No. 6,046,762) discloses a call distribution center which comprises waiting time and an average waiting time for an agents/experts.

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d. Johnson et al (U.S. Patent No. 6,067,525) discloses a sales automated system comprising a database having sale representatives and testimonial (col. 23, lines 42-58).

e. Shoji et al (U.S. Patent No. 6,122,358) discloses a system for connecting a caller to an operator and notifying the caller of average waiting time to be connected with the operator.

f. O'Neil (U.S. Patent No. 6,134,318) discloses a method for providing telemarketing services through a hypertext network and providing a user the average amount of time to be connected to an agent.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to

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reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C 20231

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.

April 4, 2003

RJ


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